REMARKS/ARGUMENTS

Reconsideration of the application, as amended, is requested. Claims 1 and 11 have been amended. Claims 6, 8, and 10 are canceled. No new matter has been added. Claims 1, 3 – 5, 7, 9, 11 – 15 remain in this application.

Indefiniteness

In section 4 the Office Action rejects claim 1 because "[t]he word capabilities render indefiniteness in its entirety." The applicants have amended claim 1 replacing "stream server's capabilities" with "stream server's operating parameters". The support for this amendment is found in the specification page 8 lines 13 – 16.

§103

In section 5 the Office Action rejects claims 1, 3 – 15 under 35 U.S.C. § 103 as being anticipated by US Patent Number 6,112,239 issued to Kenner, et al., herein referred to as Kenner in view of Murto et al (Pub. No.: US2004/0213409), herein referred to as Murto.

Claim 1 requires, "…retrieving a list of stream servers from an Universal Description, Discovery, and Integration (UDDI) directory service, evaluating the list of stream servers by retrieving and considering the stream server's operating parameters, retrieving and considering the format(s) in which the media file is presented, retrieving and considering preferences from the client, retrieving and considering the connectivity properties of the client, selecting one of the stream servers on the list, <u>determining if the selected stream server can handle the media format of a first media file, if the selected stream server can not handle the first media format, converting the first media file to a second media file having a second media format, determining if the selected stream server can handle the second media format, if the selected stream server can handle the second media format selecting the second media file, if the selected stream server can not handle the second media format then selecting a third media file having a third media format, determining if the quality of the selected media file is too high for the connectivity properties of the client, if the quality of the selected media file is too high transcoding the</u>

selected media file, generating a meta file for the selected stream server, and initiating streaming from the selected stream server.

Claim 11 requires, "retrieving a list of stream servers from an Universal Description, Discovery, and Integration (UDDI) directory service, evaluating the list of stream servers, selecting a stream server on the list, detecting the data transfer rate between the client machine and the distributed communication system, requesting the streaming of a media file in a first media file format, intercepting the request for streaming the media file if the stream server can not handle the first media file format, requesting the streaming of the media file in a second media file format, and sending the streaming request of the media file in a second media file format to the stream server selection unit.

Kenner teaches a method and system for a user to effectively find the most efficient delivery/mirror site wherein the delivery site then distributes web content to the user (Col 5, line 52 – 60). Subsequently the particular efficient delivery site is utilized for the delivery of web content to the user for future requests. (Col 5, line 60 – Col 6, line 3). Kenner also teaches utilizing network performance data to effectively predict the most efficient delivery site. (Col 6, line 16 – 39).

Kenner does not teach: retrieving a list of stream servers from an Universal Description, Discovery, and Integration (UDDI) directory service. Further Kenner does not teach: determining if the selected stream server can handle the media format of a first media file, if the selected stream server can not handle the first media format, converting the first media file to a second media file having a second media format, determining if the selected stream server can handle the second media format, if the selected stream server can handle the second media format selecting the second media file, if the selected stream server can not handle the second media format then selecting a third media file having a third media format, determining if the quality of the selected media file is too high for the connectivity properties of the client, if the quality of the selected media file is too high transcoding the selected media file, generating a meta file for the selected stream server, and initiating streaming from the selected stream server.

Further Kenner does not teach: requesting the streaming of a media file in a first media file format, intercepting the request for streaming the media file if the stream server can not handle the first media file format, requesting the streaming of the media file in a second media

file format, and sending the streaming request of the media file in a second media file format to the stream server selection unit.

Murto teaches a system and method to enable a mobile phone or wireless PDA to discover Internet businesses and services by accessing the Universal Description, Discovery and Integration (UDDI) registry using a user's location or coordinates. The method facilitates the formation of a query to the UDDI registry for the wireless device user. The method obtains a location for the user. The method constructs a personal user profile of the user's UDDI searching strategies, locations and Internet accessing preferences. The user profile can be used as a shortcut for online or offline queries to the UDDI registry or for accessing pages from web sites, or updating location information in response to the user's entry of abbreviated inputs to the wireless device. The method is embodied as programmed instructions which may be executed within the user's wireless device to query the UDDI registry. Alternately, method is embodied as programmed instructions which may be executed within a separate knowledge engine server to query the UDDI registry in response to commands (from the user's wireless device. The server can be used to cache files accessed from web sites, for selective forwarding to the user's wireless device.

Murto however does not teach: determining if the selected stream server can handle the media format of a first media file, if the selected stream server can not handle the first media format, converting the first media file to a second media file having a second media format, determining if the selected stream server can handle the second media format, if the selected stream server can handle the second media format selecting the second media file, if the selected stream server can not handle the second media format then selecting a third media file having a third media format, determining if the quality of the selected media file is too high for the connectivity properties of the client, if the quality of the selected media file is too high transcoding the selected media file, generating a meta file for the selected stream server, and initiating streaming from the selected stream server.

Further Murto does not teach: requesting the streaming of a media file in a first media file format, intercepting the request for streaming the media file if the stream server can not handle the first media file format, requesting the streaming of the media file in a second media file

format, and sending the streaming request of the media file in a second media file format to the stream server selection unit.

Therefore neither Kenner nor Murto teach (separately or combined) the above reference claim elements as required by claims 1 and 11. Consequently, the applicants respectfully submit that independent claims 1 and 11 are in condition for allowance. Because dependent claims 3 – 5, 7, and 9 properly depend on independent claim 1, and that independent claim 1 is in condition for allowance, the applicants submit that claims 3 – 5, 7, and 9 are in condition for allowance. Because dependent claims 12 - 15 properly depend on independent claim 11, and that independent claim 11 is in condition for allowance, the applicants submit that claims 12 – 15 are in condition for allowance
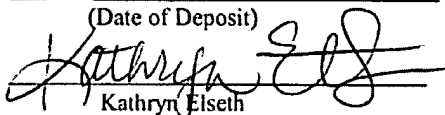
CONCLUSION

In view of the foregoing comments and amendments, the Applicants respectfully submit that all of the pending claims (i.e., claims 1, 3 – 5, 7, 9, 11 – 15) are in condition for allowance and that the application should be passed to issue.

CERTIFICATE OF ELECTRONIC TRANSMITTAL

I hereby certify that this correspondence is being electronically transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

_____February 27, 2008_____
(Date of Deposit)

Kathryn Elseth

Respectfully submitted,

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Attachments (if any)

Docket No. DE920020011US1
Serial No. 10/616,526